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8   UNITED STATES DISTRICT COURT

9   CENTRAL DISTRICT OF CALIFORNIA

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11   UNITED STATES OF AMERICA,   )
)
12   Plaintiff,   )   SA 08-284M
)
13   v.   )   ORDER OF DETENTION AFTER HEARING
)   (18 U.S.C. § 3142(i))
14   JOSE FORTUNATO BUSTOS JUAREZ,   )
)
15   Defendant.   )
     _____)

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17   I.

18   A. ( ) On motion of the Government involving an alleged

19   1. ( ) crime of violence;

20   2. ( ) offense with maximum sentence of life imprisonment or death;

21   3. ( )   narcotics or controlled substance offense with maximum sentence of ten or more years

22   (21 U.S.C. §§ 801,/951, et. seq..,/955a);

23   4. ( ) felony - defendant convicted of two or more prior offenses described above.

24   B. On motion ( ) (by the Government) / ( ) (by the Court sua sponte involving)

25   1. (X)   serious risk defendant will flee;

26   2. ( ) serious risk defendant will

27   a. ( )   obstruct or attempt to obstruct justice;

28   b. ( )   threaten, injure, or intimidate a prospective   witness or juror or attempt to do so.

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II.

The Court finds no condition or combination of conditions will reasonable assure:

A. (X)   appearance of defendant as required; and/or

B. ( ) safety of any person or the community;

III.

The Court has considered:

A. (x) the nature and circumstances of the offense;

B. (x) the weight of evidence against the defendant;

C. (x) the history and characteristics of the defendant;

D. ( ) the nature and seriousness of the danger to any person or to the community.

IV.

The Court concludes:

A. ( ) Defendant poses a risk to the safety of other persons or the community because:

B. (x)   History and characteristics indicate a serious risk that defendant will flee because:

Defendant is undocumented. He has no ties to the community and no bail resources.

C. ( ) A serious risk exists that defendant will:

    1. ( )   obstruct or attempt to obstruct justice;

    2. ( )   threaten, injure or intimidate a witness/ juror; because:

D. ( ) Defendant has not rebutted by sufficient evidence to the contrary the presumption provided in 18 U.S.C. § 3142 (e).

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1   IT IS ORDERED that defendant be detained prior to trial.

2   IT IS FURTHER ORDERED that defendant be confined as far as practicable in a corrections

3   facility separate from persons awaiting or serving sentences or person held pending appeal.

4   IT IS FURTHER ORDERED that defendant be afforded reasonable opportunity for private

5   consultation with his counsel.

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8   Dated: June 11, 2008

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                                                                    _____
                                                                    Marc L. Goldman
10   U.S. Magistrate Judge

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